

**BOROUGH OF MIDDLESEX
ORDINANCE NO. 1845-13**

**AN ORDINANCE AMENDING THE SEWERS ORDINANCE OF THE BOROUGH OF
MIDDLESEX TO AMEND THE EXISTING USER CLASSES SCHEDULE AS SET
FORTH IN CHAPTER 332 OF THE CODE OF THE BOROUGH OF MIDDLESEX**

Purpose: The purpose of this Ordinance is to amend the Sewer Ordinance of the Borough of Middlesex and to amend the existing User Classes and Rates set forth in the Code of the Borough of Middlesex.

WHEREAS, the Governing Body has requested a review of the existing User Classes schedule as set forth in the Borough's Code to determine if the Rates set forth therein are reasonable and comparable to the Rates charged in similar size municipalities for similar services among the various user classes; and

WHEREAS, the Borough wishes to equitably and fairly apportion the costs incurred by the Borough in providing sanitary sewerage services to its residents and businesses; and

WHEREAS, the cost and fees paid by the Borough to the Middlesex County Sewer Authority and other sewerage and/or other municipalities or political subdivisions for sewerage-related costs and fees exceed the fees collected by the Borough from its residents and business for such services; and

WHEREAS, the Borough has done a study of other municipalities and has determined that the Rates charged by the Borough of Middlesex to businesses for sewerage-related services are lower than the rates charged by other municipalities of similar size in this area; and

WHEREAS, the residential property owners are directly or indirectly burdened with the shortfall in collections of fees from non-residential users of the sewerage system of the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex as follows:

1. The Sewer Ordinance of the Code of the Borough of Middlesex, as set forth in Section 332-1 et seq. of the Official Code of the Borough of Middlesex is hereby amended as follows:

**§ 332-41
USER CLASSES.**

- B. "Residential" includes single and multi-family dwellings comprised of four (4) or fewer individual residential units on any single tax lot, including garden apartments, which introduce no more than the equivalent of 75,000 gallons per quarter (gpq) per unit user of domestic sanitary wastes.

D.(9) **Class 9** – All other users, including residential users, exceeding 75,000 gallons of domestic sanitary waste per quarter, or any multifamily dwelling comprised of greater than 4 residential units situated upon a single tax lot.

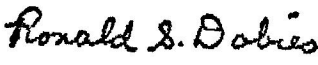
§ 332-43
SEWER USE CHARGE.

C. (4) All Residential properties or users which discharge more than 75,000 gallons of domestic sanitary waste water per quarter, or any residential dwelling comprised of more than 4 residential units on any single tax lot, or any non-residential property or user, including industrial and commercial property or user regardless of the volume of discharge per quarter, in addition to the prevailing MCUA rates for BOD, SS and Cl., shall also be charged a service charge for flow based on the user class as follows:

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

ATTEST:


Kathleen Anello, Municipal Clerk


Ronald S. Dobies, Mayor

INTRODUCED: November 26, 2013

DATE PUBLICATION
OF INTRODUCTION: November 29, 2013

ADOPTED: December 17, 2013

DATE OF PUBLICATION
OF ADOPTION: December 20, 2013

ORDINANCE NO. 1819-12

AN ORDINANCE AMENDING THE SEWERS ORDINANCE OF THE BOROUGH OF MIDDLESEX TO AMEND THE EXISTING USER CLASSES SCHEDULE AS SET FORTH IN CHAPTER 332 OF THE CODE OF THE BOROUGH OF MIDDLESEX

Purpose: The purpose of this Ordinance is to amend the Sewer Ordinance of the Borough of Middlesex and to amend the existing User Classes and Rates set forth in the Code of the Borough of Middlesex.

WHEREAS, the Governing Body has requested a review of the existing User Classes schedule as set forth in the Borough's Code to determine if the Rates set forth therein are reasonable and comparable to the Rates charged in similar size municipalities for similar services among the various user classes; and

WHEREAS, the Borough wishes to equitably and fairly apportion the costs incurred by the Borough in providing sanitary sewerage services to its residents and businesses; and

WHEREAS, the cost and fees paid by the Borough to the Middlesex County Sewer Authority and other sewerage and/or other municipalities or political subdivisions for sewerage-related costs and fees exceed the fees collected by the Borough from its residents and business for such services; and

WHEREAS, the Borough has done a study of other municipalities and has determined that the Rates charged by the Borough of Middlesex to businesses for sewerage-related services are lower than the rates charged by other municipalities of similar size in this area; and

WHEREAS, the residential property owners are directly or indirectly burdened with the shortfall in collections of fees from non-residential users of the sewerage system of the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex as follows:

1. The Sewer Ordinance of the Code of the Borough of Middlesex, as set forth in Section 332-1 et seq. of the Official Code of the Borough of Middlesex is hereby amended as follows:

**§ 332-41
USER CLASSES.**

- A. "Tax exempt" includes institutions which pay no ad valorem taxes or receive substantial credits in paying such taxes, except public schools and publicly owned facilities performing local government functions which discharge solely domestic wastes.

- B. "Industrial and commercial" includes all users, except residential users introducing less than 75,000 gallons per quarter (gpq) of domestic sanitary wastes, regardless of the discharge volume.
- C. "Residential" includes single and multi-family dwellings, including garden apartments, which introduce no more than the equivalent of 75,000 gallons per quarter (gpq) per unit user of domestic sanitary wastes.
- D. Except as otherwise defined herein, for purposes of determining sewer charge, users shall be charged based upon the following classifications:

Class 1 – Hotels, Motels, Nursing Homes, Assisted Living Facilities and Retirement homes.

Class 2 – Bagel Shops, Bars and Grills (with kitchen), Bakeries Butchers, Delicatessens, Diner, Doughnut Shops, Ice Cream Shops, Luncheonettes, Restaurants, Social Clubs, Meat Markets and Supermarkets.

Class 3 – Fast Food Restaurants.

Class 4 – Barber Shops, Bars and Taverns (no kitchen), Disposal, Food Markets, Laundromats, Manufacturing, Service Station (full repair only), Beauty Salons, Cleaners, Clinics, Day Care Centers, Dental Practices, Funeral Parlors, General Construction, Health Spas, Kennels, Medical Offices, Orphanages, Pet Grooming, Pharmacy, Photograph Developing, Print Shops.

Class 5 – Appliance Stores, Art Studios, Auto Retail Stores, Auto Repairs, Bookstores, Building Supplies, Bus Charter, Car Rental, Car Wash, Cemeteries, Cinemas, Clothing Stores, Convenience Stores, Department Stores, Electrical Contractor, Electric Stores, Florists, Fruits and Vegetables, Furniture Stores, General Retail Stores, Glass Repairs, Grocery Stores, Hardware Stores, Heating/Air Conditioning, Hobby Stores, Home Furnishings, Houses of Worship, Jewelry Stores, Landscaping, Libraries, Limousine Service, Liquor Stores, Locksmiths, Lumberyards, Medical Supplies, Non-Education Schools, Paint Stores, Parks, Pest Control, Pet Supplies, Pool Supplies, Realty Agencies, Rentals, Service Stations – Gas Only, Shore Stores, Sporting Goods, Stationary Stores, Storage Lots, Tailors, Tank Farms, Tanning Salons, Television Repairs, Towing Service, Travel Agencies, Trucking, Video Rental and Warehousing.

Class 6 – Laboratories and Mini Medical.

Class 7 – Accountants, Attorneys, Banking, Chiropractors, Consultants, Engineers, General Offices, Government-Other, Insurance, Opticians and Post Office.

Class 8 – Malls and Shopping Centers.

Class 9 – All other users, including residential users, exceeding 75,000 gallons of domestic sanitary waste per quarter.

SEWER USE CHARGE.

- A. At least once each year, the Borough of Middlesex shall review and revise, as necessary, sewer use and sewer user charges and shall establish by resolution a schedule of charges by flow, biochemical oxygen demand, suspended solids, chlorine demand and other such criteria as the Borough of Middlesex shall deem appropriate. Any charges so established shall provide for the equitable distribution of:
- (1) MCUA operations and maintenance charges.
 - (2) MCUA debt service charges.
 - (3) Sewer system maintenance and operation charges incurred by the Borough of Middlesex, including overhead.
 - (4) Borough of Middlesex debt service related to the sewer system.
 - (5) Charges from other sewerage and/or other municipalities or political subdivisions.
 - (6) Other sewerage-related costs.
- B. The schedule of user charges shall provide for revenue in an amount not less than equal to the total of the above costs. The schedule of charges shall be amended yearly, at the time of adoption of the Borough's annual budget or at such other times as the Borough may determine to reflect changes and/or adjustments in the changes.
- C. Rates.

Item	Charge
Flow	As per 4(a), below
BOD	\$194.43 per ton
SS	\$277.57 per ton
Cl.	\$105.01 per hundred weights

[1] The rates established herein shall adjust automatically to reflect any increases in the annual charges by the MCUA to its rates.

[2] The quantities to be used for the billing shall be as follows:

- (a) BOD: 200 mg/l.
- (b) SS: 280 mg/l.
- (c) Cl: four mg/l.

[3] Industries that produce high quantities of BOD and SS shall be required to sample their waste to determine what BOD, SS and chlorine (Cl.) should be used for their billing.

(4) All Residential properties or users which discharge more than 75,000 gallons of domestic sanitary waste water per quarter or any non-residential property or user, including industrial and commercial property or user regardless of the volume of discharge per quarter, in addition to the prevailing MCUA rates for BOD, SS and Cl., shall also be charged a service charge for flow based on the user class as follows:

(a)

Class	Rate/Gallons (100s)
1	0.658824
2	0.784091
3	0.974599
4	0.580882
5	0.561096
6	0.562834
7	0.714439
8	0.843316
9	0.315000

(b) Except as provided in Section 332-38, as may be amended, all other structures or properties which discharge more than 75,000 gallons of domestic sanitary waste water per quarter shall be charged the rates charged by the Middlesex County Utilities Authority for BOD, SS and Cl., above, and 0.3150/100 gallons of flow.

(c) Where any building or structure is used for purposes comprising two or more of the classifications set forth in § 332-41, the flow service charge shall be the total of the fees for each such classification, prorated based upon the square footage of each classification to the total square footage of the building or structure.

2. This Ordinance shall take effect January 1, 2013 subject to its final passage, approval and publication according to law.

INTRODUCED: October 9, 2012

DATE PUBLICATION
OF INTRODUCTION: October 12, 2012

ADOPTED: October 23, 2012

DATE OF PUBLICATION
OF ADOPTION: October 26, 2012


Kathleen Anello, Borough Clerk


Mayor Ronald S. Dobies